

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ANGEL ROLON,)
Plaintiff,)
v.)
U.S. DEPARTMENT OF HOUSING) C.A. No. 24-89-JJM-PAS
AND URBAN DEVELOPMENT; and)
ACTING SECRETARY ADRIANNE)
TODMAN,)
Defendants.)

ORDER

The Defendants U.S. Department of Housing and Urban Development (“HUD”); and Acting HUD Secretary Adrienne Todman,¹ move to dismiss Plaintiff Angel Rolon’s Complaint. After a thorough review of the filings, and a review of the applicable law, the Court GRANTS Defendants’ Motion to Dismiss. ECF No. 13.

Angel Rolon is a tenant in a privately owned apartment building that receives HUD funds. HUD neither owns nor manages his apartment. His Complaint is primarily about mismatched floor tiles and asbestos abatement in his apartment.

Mr. Rolon does not state any viable federal cause of action in his Complaint. While Mr. Rolon may have some state action against the private landlord for the asbestos tiles, even that would be questionable because there is no actual injury plausibly alleged, just a hypothetical fear of asbestos fibers.

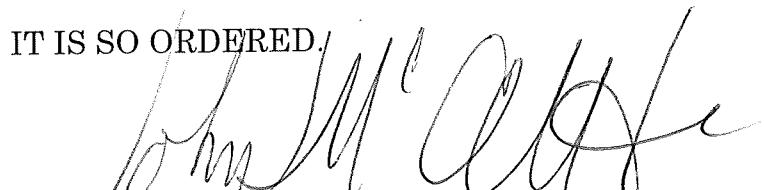
¹ Under Fed. R. Civ P. Rule 25(d), the Court substitutes Adrienne Todman, the Acting Secretary of HUD, for the former HUD Secretary, Marcia Fudge.

There are also many technical problems with Mr. Rolon's Complaint (*e.g.*, there is no state action alleged against the HUD Secretary, there is no legal duty by HUD that would give rise to a private cause of action, various immunities would apply).

Because the Complaint does not show that this Court has subject-matter jurisdiction and does not allege any cognizable federal or state cause of action, the Court must dismiss this action. Because no amendment could cure these fatal deficiencies, leave to file an amended complaint would be futile and thus the Court does not allow it.

Thus, under Federal Rules of Civil Procedure 8(a)(2), 12(b)(1), and 12(b)(6), the Court GRANTS Defendants' Motion to Dismiss the Complaint with prejudice. ECF No. 13.²

IT IS SO ORDERED.


John J. McConnell, Jr.
Chief United States District Judge

August 29, 2024

² The Court DENIES as MOOT the Motion to Confirm Service. ECF No. 14.